

****E-filed 08/03/2010****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY V. JERNIGAN,

No. C 09-5192 RS

Plaintiff,

ORDER RE SERVICE

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

On November 24, 2009, the Court issued an order granting plaintiff's application to proceed in *forma pauperis*, and directing the U.S. Marshall to serve process on defendants. Defendants assert that they received copies of the complaint and summons by mail, but that service was defective because either service needed to be made personally, or if made by mail, then requests for waiver of personal service and return envelopes should have been included in the materials provided to them. Defendants further contend that the summonses purported to require a response within 20 days, which they point out is not correct for service by mail. The U.S. Marshall is directed to re-serve the complaint, summons, any amendments, scheduling orders, attachments, plaintiff's affidavit, the November 24, 2009 order, and this order, in compliance with Rule 4 of the Federal

Rules of Civil Procedure. The Case Management Conference in this matter is hereby continued to
October 28, 2010.

Dated:08/03/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:

Gary V. Jernigan
1050 Weeks Street
East Palo Alto, CA 94303

DATED: 08/03/2010

/s/ Chambers Staff

Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.